

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:06CR200
)
vs.) ORDER
)
THOMAS WALZ,)
)
Defendant.)

This matter is before the court on the second amended motion for an extension of time by defendant Thomas Walz (Walz) (Filing No. 16). Walz seeks until September 25, 2006, in which to file pretrial motions in accordance with the progression order (Filing No. 9). Walz's counsel represents that government's counsel has no objection to the motion. Walz has filed an affidavit wherein Walz consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 17). Upon consideration, the second amended motion will be granted.

IT IS ORDERED:

Defendant Walz's second amended motion for an extension of time (Filing No. 16) is granted. Defendant Walz is given until **on or before September 25, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 11, 2006 and September 25, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 11th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge